UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/727,471	SWANSON ET AL.
	Examiner	Art Unit	
	John B. Walsh	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4/8/04;12/13/04;8/3/07*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20071222

DETAILED ACTION

Specification

1.   The use of the trademarks Microsoft Word, Microsoft Excel and Microsoft Access (p. 7)

has been noted in this application. It should be capitalized wherever it appears and be

accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary

nature of the marks should be respected and every effort made to prevent their use in any manner

which might adversely affect their validity as trademarks.

Claim Objections

2.   Claim 12 is objected to because of the following informalities: Claim 12 is missing a

period at the end of the claim. Furthermore the last line of the claim does not read well (as it

appears incomplete). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 20-22, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 20 recites the limitation "third or fourth network interfaces". There is insufficient

antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "third interface". There is insufficient antecedent basis for

this limitation in the claim.

Claim 26 recites the limitation "said third interface". There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1 – 20 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 5,758,079 to Ludwig et al.

As concerns claim 1, a method for communicating real time data streams between a

plurality of virtual meeting attendees over a digital data network comprising the steps of:

receiving a plurality of real time data streams that include a first and a second real time data

stream (col. 3, line 6) from each of a plurality of virtual meeting attendees (col. 3, lines 55-57);

linking said first real time data stream from each of the plurality of virtual attendees to a first

network interface (fig. 18;100,800); linking said second real time data stream from each of said

plurality of virtual meeting attendees to a second network interface (fig. 18;100,800-for a

second user); and, allowing a requestor (another user) to selectively link to one or more of said

first and said network interfaces.

As concerns claim 2, a method as defined by claim 1 and further including the steps of

recording the usage (col. 3, line 12) of said requestor.

As concerns claim 3, a method as defined by claim 2 wherein the step of recording said

usage includes recording the time that selectively links to each of said one or more of said first

and said second interface, and of recording the time said requestor disconnects from each of

said one or more first and second network interfaces (col. 3, line 12-inherent for recording to

have a start and end time).

As concerns claim 4, a method as defined by claim 2 wherein the step of recording said

usage includes recording the amount of data consumed by said requestor (inherent recorded data

will be a certain amount).

As concerns claim 5, a method as defined by claim 1 wherein said first real time data

stream is audio data (col. 2, line 39) and said second real time data stream is video data (col. 2,

line 39).

As concerns claim 6, a method as defined by claim 1 wherein said plurality of real time

data streams further includes a third real time data stream (col. 15, line 2), and further including

the step of linking said third real time data stream from each of said plurality of virtual meeting

attendees to a third network interface (fig. 18;100,800).

As concerns claim 7, a method as defined by claim 6 wherein said plurality of real time

data streams includes a total of n streams (col. 3, line 6; col. 2, line 39), and further including

the step of linking each of said n streams from each of said virtual meeting attendees to one of n

network interfaces (fig. 18;100,800), where n is any positive integer.

As concerns claim 8, a method as defined by claim 7 wherein said first real time data

stream from said n streams is video data (col. 2, line 39), wherein said second real time data

stream from said n streams is audio data (col. 2, line 39), wherein said third real time data

stream from said n streams is application data (col. 19, lines 42-44), and wherein a fourth real

time data stream from said n streams is auxiliary data (col. 19, lines 42-44).

As concerns claim 9, a method as defined by claim 1 wherein said first and second

network interfaces are within a bridge (col. 6, line 8).

As concerns claim 10, a method as defined by claim 1 wherein said first and second

interfaces are each one port (col. 15, line 17).

As concerns claim 11, a method as defined by claim 1 wherein said first and second

interfaces are each a plurality of ports (col. 15, line 17; col. 21, lines 15-16).

As best understood concerning claim 12, a method as defined by claim 1 wherein each of

said plurality of real time data streams are encoded in a packet based protocol (inherent for data

to have a protocol; such as col. 20, line 13) that includes a discrete control portion and a discrete

data portion, wherein said first network interface includes a first port (col. 15, line 17) linked to

said first real time data stream data portion to and a second port (col. 15, line 17) linked to said

first real time data stream control portion to, and wherein said second interface includes a first

port (col. 15, line 17) linked to said second real time data stream data portion to and a second

port (col. 15, line 17) linked to said second real time data stream control portion .

As concerns claim 13, a method as defined by claim 1 wherein said plurality of virtual meeting attendees are a first plurality of virtual meeting attendees at a first virtual meeting (col. 24, lines 39-41), and wherein the method further includes the steps of: receiving a second plurality of real time data streams from each of a second plurality of attendees of a second virtual meeting (col. 24, lines 39-41), said second plurality of real time data streams from each of said second plurality of virtual meeting attendees including a first and a second real time data stream (col. 3, line 6; col. 2, line 39); linking only said first real time data stream from said second plurality of data streams from each of said second plurality of second virtual meeting attendees to a third network interface (fig. 18;100,800; col.3, lines 50-54); and, linking only said second real time data stream from each of said second plurality of second virtual meeting attendees to a fourth network interface (fig. 18;100,800; col.3, lines 50-54).

As concerns claim 14, a method as defined by claim 13 wherein said first real time data streams from each of said first plurality of first virtual meeting attendees and said first real time data streams from each of said second plurality of second virtual meeting attendees are video data streams (col. 3, line 6; col. 2, line 39), and wherein said second real time data streams from each of said first plurality of first virtual meeting attendees and said second real time data streams from each of said second plurality of second virtual meeting attendees are audio data streams (col. 3, line 6; col. 2, line 39;col.3, lines 50-54).

As concerns claim 15, a method as defined by claim 1 wherein said plurality of virtual meeting attendees are physically present (inherent attendees would be physically present to capture their image on the camera) in a plurality of conference rooms, each of said conference

rooms having a plurality of cameras (figure 31C) for communicating a plurality of real time

video streams.

As concerns claim 16, a method as defined by claim 1 and further including the step of

designating at least one of said first and second network interfaces as a high bandwidth

interface, and of connecting the highest bandwidth data stream from said plurality of real time

data streams to said high bandwidth interface (col. 3, lines 49-54).

As concerns claim 17, a method as defined by claim 1 wherein at least one of said first

and second network interfaces is an interface between unicast and multicast communications

(col. 6, lines 10-20).

As concerns claim 18, a method as defined by claim 1 and further including the

preliminary step of querying each of said plurality of virtual meeting attendees to identify said

first and second real time data streams (col. 19, lines 25-50).

As concerns claim 19, a method for linking data communications between a plurality of

users in a virtual meeting on a data network, the method comprising the steps of: designating a

first network interface (fig. 18;100,800) for communicating real time video data (col. 3, line 6)

streams; designating a second network interface (fig. 18;100,800) for communicating real time

audio data (col. 3, line 6) streams; querying (col. 19, lines 25-50) the plurality of users to

determine what types of real time data streams each of said plurality of users will communicate

to and from the network, said types of data including at least video and audio data; and, linking

each individual of said plurality of users to one or both of said first and second network

interfaces depending on what types of data said each individual of said plurality of users

selected.

As best understood concerning claim 20, a method as defined by claim 19 and further

including the steps of recording the usage (col. 3, line 12) by each of said users of each of said

first, second, third or fourth network interfaces.

As concerns claim 23, a method as defined by claim 19 and further including the step of

designating at least one of said first or second interfaces as secure, and of only allowing said

users to link to said secure interface after presentation of a password (col. 21, line 19-password

for being logged in).

As concerns claim 24, a computer program product for linking data communications

between a plurality of users in each of a plurality of virtual meetings on a data network, the

program product comprising computer executable instructions stored on a computer readable

medium that when executed cause one or more computers to: receive a first plurality of real

time data streams (col. 3, line 6) from each of a plurality of first meeting attendees (col. 3, lines

55-57), said plurality of real time data streams including at least one real time video (col. 3, line

6) data stream and at least one real time audio (col. 3, line 6) data stream from each of said

plurality of first meeting attendees; receive a second plurality of real time data streams from

each of a plurality of second virtual meeting attendees (col. 3, lines 55-57), said second virtual

meeting occurring at least partially concurrently with said first virtual meeting, said second

plurality of real time data streams including at least one real time video (col. 3, line 6) data

stream and at least one real time audio (col. 3, line 6) data stream from each of said second

virtual meeting attendees; link only said real time video data streams from said plurality of first

meeting attendees to a first network interface and linking only said real time audio data streams

(col.3, lines 50-54) from said plurality of first meeting attendees to a second network interface (fig. 18;100;800); link only said real time video (col.3, lines 50-54) data streams from said plurality of second meeting attendees to a fourth network interface (fig. 18;100,800) and linking only said real time audio data (col.3, lines 50-54) streams from said plurality of second meeting attendees to a fifth network interface (fig. 18;100,800); and allow a requestor (another or one of the users) to selectively choose which of said interfaces to receive data streams from.

As best understood concerning claim 25, a computer program product as defined by claim 24 wherein the program instructions further cause the one or more computers to assign an identifier (inherent to have an identifier for sending data to its desired destination) to each of said first, second, third and fourth interfaces, said identifier having inherent knowledge that describes the content of the data streams linked thereto.

As best understood concerning claim 26, a computer program product as defined by claim 24 wherein the program instructions further cause the one or more computers to assign identifiers to each of said network interfaces, said identifier for said first network interface including A and X, said identifier for said network second interface including A and Y, said identifier for said third network interface including B and X, and said identifier for said fourth network interface including B and Y, where A is an identifier for said first virtual meeting (col. 24, lines 39-41), B is an identifier for said second virtual meeting (col. 24, lines 39-41- additional attendees at later time), X is an identifier for an interface having only video data, and Y is an identifier for an interface having only audio data (col. 3, lines 6, 49-54; col. 20, lines 60-63).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 21 and 22 (as best understood) are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 5,758,079 to Ludwig et al. as applied above in view of US

Patent App. Pub. No. 20021/0133473 A1 to Grande et al.

Ludwig et al. '079 disclose the recording said usage ().

Ludwig et al. '079 do not explicitly disclose a respective per-unit time fee for said

interface to calculate a fee for each of said plurality of users.

Grande et al. '473 teach a respective per-unit time fee for said interface to calculate a fee

for each of said plurality of users (figures 3, 5 and 6A).

It would have been obvious to one having ordinary skill in the art at the time of the

invention to provide a fee calculation as taught by Grande et al. '473, in order to provide a means

of covering the cost for services used. Such a modification is merely a combination of known
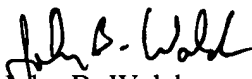
elements resulting in predictable results.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See PTO-892.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The

examiner can normally be reached on Monday-Thursday from 7:00-5:30.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

    Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John B. Walsh
Primary Examiner
Art Unit 2151